

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:24-cv-00061-MR-WCM**

**INDUSTRIAL SERVICES GROUP,** )  
**INC., d/b/a UNIVERSAL BLASTCO** )  
 )  
                                  **Plaintiff,** )  
 )  
                                  **vs.** )  
 )  
**LUKE FARLEY, in his official** )  
**capacity as the North Carolina** )  
**Commissioner of Labor; and SCOTT** )  
**MABRY in his official capacity as the** )  
**Director of the Occupational Safety** )  
**and Health Division of the North** )  
**Carolina Department of Labor,** )  
 )  
                                  **Defendants.** )  
\_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on the Defendants’ Motion to Dismiss [Doc. 9]; the Magistrate Judge’s Memorandum and Recommendation [Doc. 13] regarding the disposition of the Motion to Dismiss; and the Plaintiff Industrial Services Group, Inc.’s Objection to Honorable Magistrate Judge’s Memorandum and Recommendation [Doc. 14].

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable W. Carleton Metcalf, United States



Magistrate Judge, was designated to consider the above-referenced motion and to submit a recommendation for its disposition. On January 17, 2025, the Magistrate Judge issued a Memorandum and Recommendation, recommending that the Defendants' motion be granted on issue preclusion grounds, and this case be dismissed without prejudice. [Doc. 13]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. [Id. at 11]. The Plaintiff filed its Objection on January 31, 2025. [Doc. 14]. The Defendants filed their Reply on February 13, 2025. [Doc. 17].

After a careful review of the Memorandum and Recommendation, the Court concludes that the Magistrate Judge's proposed conclusions of law are correct and are consistent with current case law. The additional allegations made in the Plaintiff's Complaint do not change the nature of the Plaintiff's first action. Accordingly, the Court overrules the Plaintiff's Objection and accepts the Magistrate Judge's recommendations that the Defendants' Motion to Dismiss be granted, and that this case be dismissed without prejudice.

**IT IS, THEREFORE, ORDERED** that the Memorandum and Recommendation [Doc. 13] is **ACCEPTED**.



**IT IS FURTHER ORDERED** that the Defendants' Motion to Dismiss [Doc. 9] is **GRANTED**, and the Plaintiff's claims are **DISMISSED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

Signed: March 24, 2025

  
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Martin Reidinger  
Chief United States District Judge

